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EXAMINER	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/805,888

Applicant(s)

WINTER, ROBERT WILLIAM

Examiner

Dennis Myint

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08/02/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-29 and 31-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-29, and 31-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This communication is responsive to Applicant's Amendment, filed on August 2, 2007.
2. Claims 1-2, 4-29, and 31-40 are pending in this application. Claims 1, 19, 28, and 38 are independent claims. In the Amendment filed on August 2, 2007, Claims 1, 2, 7, 10, 19, 28, and 38 were amended. Claims 3 and 30 had been cancelled. **This office action is made final.**
3. In light of the amendments made, rejection of claims 28-40 under 35 U.S.C. § 101 in prior office action is hereby withdrawn.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. MPEP 704.11 (a)(R) states that:

Clarification of the correlation and identification of what structure, material, or acts set forth in the specification would be capable of carrying out a function recited in a means or steps plus function claim limitation. If it is not apparent to the examiner where in the specification and drawings there is support for a particular claim limitation reciting a means to accomplish a function, and if an inquiry by the examiner for such support is met by a stated lack of knowledge thereof by the applicant, the examiner could very well conclude that there is no such support and **make appropriate rejections under, for example, 35 U.S.C. 112, first paragraph (written description) and 35 U.S.C. 112, second paragraph.**

6. Claims 1-2, 4-29, and 31-40 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As per claim 1, the claim in lines 17-19 recites "***sharing the incentive among an early categorizer and a subsequent categorizer whose subsequent categorization is based on the categorization of the early categorizer and allocating the incentive between the early categorizer and the subsequent categorizer***", which is not described in the specification. Specification of the instant application merely recites sharing incentives among categorizers and thus fails to comply with the written description requirement.

Claims 2, 4-18 are also rejected under 35 U.S.C. §112, first paragraph because of their dependency on claim 1.

As per claim 19, the claim in lines 15-17 recites "***sharing the incentive among an early categorizer and a subsequent categorizer whose subsequent categorization is based on the categorization of the early categorizer and allocating the incentive between the early categorizer and the subsequent categorizer***", which is not described in the specification. Specification of the instant application merely

recites sharing incentives among categorizers and thus fails to comply with the written description requirement.

Claims 20-27 are also rejected under 35 U.S.C. §112, first paragraph because of their dependency on claim 19.

As per claim 28, the claim in lines 18-20 recites "***sharing the incentive among an early categorizer and a subsequent categorizer whose subsequent categorization is based on the categorization of the early categorizer and allocating the incentive between the early categorizer and the subsequent categorizer***", which is not described in the specification. Specification of the instant application merely recites sharing incentives among categorizers and thus fails to comply with the written description requirement.

Claims 29 and 31-37 are also rejected under 35 U.S.C. §112, first paragraph because of their dependency on claim 28.

As per claim 38, the claim in lines 17-19 recites "***sharing the incentive among an early categorizer and a subsequent categorizer whose subsequent categorization is based on the categorization of the early categorizer and allocating the incentive between the early categorizer and the subsequent categorizer***", which is not described in the specification. Specification of the instant application merely recites sharing incentives among categorizers and thus fails to comply with the written description requirement.

Claims 39-40 are also rejected under 35 U.S.C. §112, first paragraph because of their dependency on claim 38.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 1-2, 4-29, and 31-40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 1, the claim in lines 17-19 recites "***sharing the incentive among an early categorizer and a subsequent categorizer whose subsequent categorization is based on the categorization of the early categorizer and allocating the incentive between the early categorizer and the subsequent categorizer***", which is not described in the specification. Specification of the instant application merely recites sharing incentives among categorizers and is indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention

Claims 2, 4-18 are also rejected under 35 U.S.C. §112, second paragraph because of their dependency on claim 1.

As per claim 19, the claim in lines 15-17 recites "***sharing the incentive among an early categorizer and a subsequent categorizer whose subsequent categorization is based on the categorization of the early categorizer and allocating the incentive between the early categorizer and the subsequent categorizer***", which is not described in the specification. Specification of the instant application merely recites sharing incentives among categorizers and thus is indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention

Claims 20-27 are also rejected under 35 U.S.C. §112, second paragraph because of their dependency on claim 19.

As per claim 28, the claim in lines 18-20 recites "***sharing the incentive among an early categorizer and a subsequent categorizer whose subsequent categorization is based on the categorization of the early categorizer and allocating the incentive between the early categorizer and the subsequent categorizer***", which is not described in the specification. Specification of the instant application merely recites sharing incentives among categorizers and, as such, is indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention

Claims 29 and 31-37 are also rejected under 35 U.S.C. §112, second paragraph because of their dependency on claim 28.

As per claim 38, the claim in lines 17-19 recites "***sharing the incentive among an early categorizer and a subsequent categorizer whose subsequent categorization is based on the categorization of the early categorizer and allocating the incentive between the early categorizer and the subsequent categorizer***", which is not described in the specification. Specification of the instant application merely recites sharing incentives among categorizers and, as such, is indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention

Claims 39-40 are also rejected under 35 U.S.C. §112, second paragraph because of their dependency on claim 38.

Additionally, claim 7 is rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 in line 4 recites "within an approximately short time". The term "**within an approximately short time**" in claim 7 is a relative term which renders the claim indefinite. The term "approximately short time" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Additionally, claim 8 is rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.



Claim 8 in line 2 recites "**based on the assigned points**". There is insufficient antecedent basis for this limitation in the claim.

Additionally, claim 11 is rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 in line 1-2 recites "the method of claim 10, wherein **the list of categorizers displayed on the display screen**". There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-2, 4- 9, 11-15, 17, 19- 23, 25-29, and 31-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Covington JR et al., (hereinafter "Covington", U.S. Patent Application Publication Number 2003/0009448) in view of Pundarika et al., (hereinafter, "Pundarika", U.S. Patent Application Publication Number 2003/0043144) and further in view of Robinson (hereinafter "Robinson", U.S. Patent Number 7072846)

and further in view of Petras et al., (hereinafter "Petras", U.S. Patent Application Publication Number 2001/0047290).

As per claim 1 Covington is directed to a method for identifying content in a computer network (Paragraph 0001) and teaches the limitations:

"storing a plurality of predetermined categories in a database" (Covington Paragraph 0047, i.e., *In one embodiment of the invention, Database Reviewer **adds additional categories***);

"categorizing a plurality of pre-existing items corresponding to one or more of the plurality of predetermined categories, by a plurality of categorizers, respectively" (Covington Paragraph 0047, i.e., *the Database Reviewers may categorize the information in such manner that any search term concerning sexual harassment would yield the newly created information.*; and Covington Paragraph 0047, i.e., *In one embodiment of the invention, Database Reviewer **adds additional categories and structures to the proposed database prior to adding the new information to the database***);

"selecting a category from the displayed predetermined categories by a user" (Covington Paragraph 0010, i.e., *the system associates the inquiry with one or more predefined categories and provides one or more possible responses to the inquiry based on the available information in each of the identified categories in the databases. Should the responses fail to satisfy the User, the User is given the option to contact experts and request a response that is narrowly tailored to the inquiry*) ;

"selecting a categorizer from the (displayed) categorizers by the user" (Covington Paragraph 0008, i.e., *a response to the User's inquiry is forwarded by the system to an expert specifically designated by the user*; Covington Paragraph 0021, i.e., *In an embodiment where the expert is associated with the User*; Covington Paragraph 0030, *Such an expert can be a person designated either by the customer or by the service provider*; and Paragraph 0021, i.e., *In addition, the customer can specify that certain User's should be answered only by the Expert*) ; and

" initiating a search for one or more pre-existing items in the computer network based on the selected category and the selected categorizer as search parameters" (Covington Paragraph 0021, i.e., *In addition, the customer can specify that certain User's should be answered only by the Expert*; Paragraph 0010, i.e., *Next the system associates the inquiry with one or more predefined categories and provides one more possible responses to the inquiry based on the available information*; and Paragraph 0022, i.e., *after reviewing the User's profile in step 1300 the system searches the available database for categories identified in step 1200*; Based on the profile, the system can determine how to treat the User's inquiry" (Covington Paragraph 0020), *The User's profile can also be arranged to direct all inquires from the User to an expert* (Paragraph 0021), and *after reviewing the user's profile in step 1300 the system searches the available databases for categories identified in step 1200* (Covington Paragraph 0022) );

“displaying results of search on a display” (Covington Paragraph 0023, i.e., *the system can provide a user with a web page containing a brief abstract of each piece of relevant information record*);

“selecting one or more of the displayed results for more detail description of the selected item” (Covington, Paragraph 0023, i.e., *the system can provide the user with a web page containing a brief abstract of each piece of relevant information record and providing a **hypertext link to each record***);

“(providing incentives to one or more categorizers based on) number of users who have selected an item categorized by one or more categorizers” (Covington Paragraph 0021-0022 and particularly Paragraph 0025, i.e., *a log of all questions asked by a particular user ..... features **they** have accessed previously can be compiled by the system*); Note that limitations in the parenthesis are not explicitly taught by Covington but included for the sake of easy understanding).

Covington does not explicitly teach the limitations: “displaying at least a portion of (the stored plurality of predetermined categories)”; “displaying respective categorizers (for the displayed predetermined categories)”; “providing incentives to one or more categorizers based on (number of users who have selected an item categorized by one or more categorizers)”; and “sharing the incentives among an early categorizer and a subsequent categorizer whose subsequent categorization is based on the categorization of the early categorizer and allocating the incentive between the early categorizer and the subsequent categorizer” (Note that limitations in the parenthesis are taught by Covington but included for the sake of easy understanding).

On the other hand, Pundarika teaches the limitations:

“displaying at least a portion of (the stored plurality of predetermined categories)”  
(Pundarika, Figure 5 and Paragraph 0043, i.e., *The portion of viewing other books reviewed by the same reviewer is displayed (step 540) which, if selected, moves the process on to step 570.*);

“displaying respective categorizers (for the displayed predetermined categories)”  
and “by a user” (Pundarika, Paragraph 0043, i.e., *Alternately, a list of reviewers organized in various ways (geographic, male/female, types of books reviewed etc.) is displayed (step 550) and the visitor's choice of the specific reviewer is collected (step 560));* and

“by a user” (Pundarika, Paragraph 0043, i.e., *Alternately, a list of reviewers organized in various ways (geographic, male/female, types of books reviewed etc.) is displayed (step 550) and **the visitor's choice** of the specific reviewer is collected (step 560).*)

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method of Covington, which teaches selecting categories and categorizers, to combine with the method of Pundarika, which teaches displaying portions of reviews made by a reviewers and also displaying reviewers to users, so that the resultant method would teach selecting categories, displaying categories and categorizers, and selecting categories and categorizers by a user. One would have been motivated to do so in order to allow selection of reviews by specific reviewers (Pundarika, Paragraph 0043).

Covington in view of Pundarika does not explicitly teach the limitations:

“providing incentives to one or more categorizers based on number of users who have selected an item categorized by one or more categorizers”; and “sharing the incentives among an early categorizer and a subsequent categorizer whose subsequent categorization is based on the categorization of the early categorizer and allocating the incentive between the early categorizer and the subsequent categorizer”.

On the other hand, Robinson teaches the limitation:

“providing incentives to one or more categorizers based on number of users who have selected an item categorized by one or more categorizers” (Robinson Column 3 Lines 49-55, i.e., *Reviewers can be paid similarly for access to reviews written by that reviewer*). Points based on number of users who searched an item categorized by the categorizer/reviewer are inherent in this disclosure.

At the time the invention was made, it would have been obvious to a person or ordinary skill in the art to modify the method of Covington in view of Pundarika, for categorizing by reviewers/categorizers, to combine with the method of Robinson, for rewarding reviewers based on user access, so that the combined method would comprise provide incentives to one or more categorizers based on number of users who have selected an item categorized by one or more categorizers. One would have been motivated to do so in order to *enable consumers more efficiently find artists and entertainers they will enjoy* (Robinson, Column 1 Lines 25-30).

Covington in view of Pundarika and further in view of Robinson dose not explicitly teach the limitation: “sharing the incentives among an early categorizer and a

Art Unit: 2162

subsequent categorizer whose subsequent categorization is based on the categorization of the early categorizer and allocating the incentive between the early categorizer and the subsequent categorizer”.

On the other hand, Petras teaches the limitation:

“sharing the incentives among an early categorizer and a subsequent categorizer whose subsequent categorization is based on the categorization of the early categorizer and allocating the incentive between the early categorizer and the subsequent categorizer” (Petras, Paragraph 0281, i.e., *A site can also use three separate point-earning structures for each member type (Member, Managing Member and Sponsor), enabling the implementation of different incentives for each user type. Points are redeemable for cash, prizes or contest entries (depending on a client's wishes). And a percentage of sponsorship revenue **can be shared** with top-performing Managing Members, giving these volunteer leaders incentive to build the community* ).

At the time the invention was made, it would have been obvious to a person or ordinary skill in the art to modify the method of Covington in view of Pundarika and further in view of Robinson to combine with the method of Petras, which teaches sharing incentives, so that the resultant method would teach sharing incentives among categorizers. One would have been motivated to do so in order to motivate users to make contributions (Petras Paragraph 0281).

As per claim 2, Covington in view of Pundarika and further in view of Robinson and further in view of Petras teaches the limitation:

"wherein the plurality of predetermined categories include taste and style (Robinson, Column 1 Lines 46-47, *the tastes of a cluster*; Column 8 Lines 54-63, i.e., *These descriptions, in various embodiments take the form of text descriptors such as "Jazz, with a focus on old -style Dixieland", categories such as "Jazz", "Garage Rock", etc).*

As per claim 4, Covington in view of Pundarika and further in view of Robinson and further in view of Petras teaches the limitation:

"further comprising ordering the displayed search results based on a user selectable order" (Covington Paragraph 0023, i.e., *In another embodiment of the invention the system can provide a brief abstract of each information record along with an estimated likelihood that the information record is relevant to the inquiry).*

As per claim 5, Covington in view of Pundarika and further in view of Robinson and further in view of Petras teaches the limitation:

"wherein the step of categorizing comprises signing up on a website as a categorizer and categorizing a plurality of items corresponding to one or more of the plurality of predetermined categories" (Covington Paragraph 0017, i.e., *a User can be an employee of the customer, and the customer can be the **subscribing party***; Paragraph 0047, i.e., *the Database Reviewers may categorize the information in such manner that any search term concerning sexual harassment would yield the newly created information.*; and Paragraph 0047, i.e., *In one embodiment of the invention,*



*Database Reviewer **adds additional categories** and structures to the proposed database prior to adding the new information to the database ).*

As per claim 6, Covington in view of Pundarika and further in view of Robinson and further in view of Petras teaches the limitation:

“further comprising charging a fee for initiating the search for the one or more items” (Covington Paragraph 0017, i.e., *a User can be an employee of the customer, and the customer can be the **subscribing party***).

As per claim 7, Covington in view of Pundarika and further in view of Robinson and further in view of Petras teaches the limitation:

“wherein the number of users who have selected an item categorized by the one or more categorizers is a function of the number of users who have selected the item and have come back to the search results within an approximately short time” (Robinson, Column 3 Lines 49-55, i.e., *In some embodiments means are provided so the administrators are paid by users for access to their clusters. In various embodiments, **these payments are one-time-only, per time period (such as monthly) or per access. Reviewers can be paid similarly for access to reviews written by that reviewer. Credit card payment mechanisms or other techniques such as micropayments can be used.** Also see Covington Paragraph 0025, i.e., *a log of all questions asked by a particular user ..... features **they** have accessed previously can be compiled by the system*).*

As per claim 8, Covington in view of Pundarika and further in view of Robinson and further in view of Petras teaches the limitation:

“further comprising compensating the categorizer based on the assigned points” (Robinson, Column 3 Lines 49-55, i.e., *Reviewers can be paid similarly for access to reviews written by that reviewer*).

As per claim 9, Covington in view of Pundarika and further in view of Robinson and further in view of Petras teaches the limitation:

“further comprising positioning the categorizer on a favorable screen position of a display screen, based on the assigned points to the categorizer” (Robinson, Column 3 Lines 14-25, i.e., *The system can use these ratings to determine the quality of a reviewer in general and/or the degree to which each individual user likes a particular reviewer. These factors can be used together with the similarity data, or in some embodiments, without it, to determine ordering of reviews*).

As per claim 11, Covington in view of Pundarika and further in view of Robinson and further in view of Petras teaches the limitations:

“wherein the list of categorizers displayed on the display screen is ordered based on one or more of a respective categorizer's overall popularity within the selected category, a respective categorizer's recent popularity within the selected category, a

Art Unit: 2162

respective categorizer's overall popularity within a broader subject area than the selected category, a respective categorizer's recent popularity within a broader subject area than the selected category, a respective categorizer's reliability within a user-specified subject area, and a respective categorizer's reliability within a broad subject area" (Robinson Column 3 Lines 14-25, i.e., *The system can use these ratings to determine the quality of a reviewer in general and/or the degree to which each individual user likes a particular reviewer*).

As per claim 12, Covington in view of Pundarika and further in view of Robinson and further in view of Petras teaches the limitations:

"wherein at least one of the plurality of predetermined categories relates to music" (Robinson Column 1 Lines 56-61, i.e., *will focus on music applications*).

As per claim 13, Covington in view of Pundarika and further in view of Robinson and further in view of Petras teaches the limitations:

"wherein at least one of the plurality of predetermined categories relates to movies" (Robinson Column 1 Lines 56-61, i.e., *fields of writings and movies*).

As per claim 14, Covington in view of Pundarika and further in view of Robinson and further in view of Petras teaches the limitations:

“wherein at least one of the plurality of predetermined categories relates to books” (Robinson Column 1 Lines 56-61, i.e., *fields of writings and movies*).

As per claim 15, Official Note is taken that reviewing/categorizing web pages is notoriously well known in the art.

As per claim 17, Covington in view of Pundarika and further in view of Robinson and further in view of Petras teaches the limitations:

“wherein at least one of the plurality of predetermined categories relates to product or services” (Robinson Column 1 Lines 25-30, i.e., *Online services based on this invention will enable artists and entertainers to more efficiently find the consumers*).

As per claim 19, Covington in view of Pundarika and further in view of Robinson and further in view of Petras teaches the limitations:

“accessing a web site by an authorized categorizer” (Covington, Paragraph 0047, i.e., *the Database Reviewers may categorize the information in such manner that any search term concerning sexual harassment would yield the newly created information.*);

“identifying the item to be categorized” (Covington Paragraph 0047, i.e., *the Database Reviewers may categorize the information in such manner that any search term concerning sexual harassment would yield the newly created information.*);

“displaying a category from a plurality of predetermined categories in a database accessible by the web site” (Covington in view of Pundarika Paragraph 0043);

“selecting a category from the displayed plurality of predetermined categories by authorized categorizer” (Covington, Paragraph 0047, i.e., *the Database Reviewers may categorize the information in such manner that any search term concerning sexual harassment would yield the newly created information.*; and Paragraph 0047, i.e., *In one embodiment of the invention, Database Reviewer **adds additional categories** and structures to the proposed database prior to adding the new information to the database;* and Pundarika Paragraph 0043);

“displaying cost and incentive for the authorized categorizer for the selected category” (Robinson Column 14 Lines 34-36, i.e., *In one such embodiment, a form (such as a Web input form) is provided which allows an artist to list similar artist; Note that, in this disclosure of Robinson, the artist himself/herself is categorizing. Robinson, Column 14 Lines 59-62, i.e., artists are given means to indicate that **they wish to pay** a particular to list to, rate and/or write a review of their work. In some embodiments, they can read and review and **decide whether it is to be displayed online.***; This disclosure of Robinson teaches “cost” to the artist who is categorizing himself and the artist can

weigh costs and incentives of putting his song(s) online. The point here is that the artist himself is categorizing his/her song(s) and thus is an authorized categorizer);

“applying the selected category to the identified item by the authorized categorizer” (Covington, Paragraph 0047, i.e., *the Database Reviewers may categorize the information in such manner that any search term concerning sexual harassment would yield the newly created information*); and

“storing the identified item, the applied category, and the authorized categorizer in the database” (Covington Figure 3 and Paragraph 0014, i.e., *Fig. 3 is a process diagram for updating one or more databases according to one embodiment of the invention*).

“providing incentives to one or more categorizers based on number of users who have selected an item categorized by one or more categorizers” (Robinson, Column 3 Lines 49-55, i.e., *Reviewers can be paid similarly for access to reviews written by that reviewer*). Points based on number of users who searched an item categorized by the categorizer/reviewer are inherent in this disclosure.

“sharing the incentives among an early categorizer and a subsequent categorizer whose subsequent categorization is based on the categorization of the early categorizer and allocating the incentive between the early categorizer and the subsequent categorizer” (Petras, Paragraph 0281, i.e., *A site can also use three separate point-earning structures for each member type (Member, Managing Member and Sponsor), enabling the implementation of different incentives for each user type. Points are*

Art Unit: 2162

*redeemable for cash, prizes or contest entries (depending on a client's wishes). And a percentage of sponsorship revenue **can be shared** with top-performing Managing Members, giving these volunteer leaders incentive to build the community).*

As per claim 20, Covington in view of Pundarika and further in view of Robinson and further in view of Petras teaches the limitations:

*"further comprising signing up on a web site as an authorized user" (Covington Paragraph 0017, i.e., a User can be an employee of the customer, and the customer can be the **subscribing party**; Paragraph 0020, i.e., the system would retrieve the User's profile from a database).*

As per claim 21, Covington in view of Pundarika and further in view of Robinson and further in view of Petras teaches the limitations:

*"selecting a category from a plurality of predetermined categories" (Covington Paragraph 0010, i.e., the system associates the inquiry with one or more predefined categories and provides one or more possible responses to the inquiry based on the available information in each of the identified categories in the databases. Should the responses fail to satisfy the User, the User is given the option to contact experts and request a response that is narrowly tailored to the inquiry);*

*"selecting a categorizer from a plurality of categorizers" (Covington Paragraph 0008, i.e., a response to the User's inquiry is forwarded by the system to an expert specifically designated by the user; Covington Paragraph 0021, i.e., In an embodiment*

*where the expert is associated with the User; Covington Paragraph 0030, Such an expert can be a person designated either by the customer or by the service provider, and Paragraph 0021, i.e., In addition, the customer can specify that certain User's should be answered only by the Expert); and*

*"initiating a search for an item in the computer network corresponding to the selected category and the selected categorizer" (Covington Paragraph 0021, i.e., In addition, the customer can specify that certain User's should be answered only by the Expert; Paragraph 0010, i.e., Next the system associates the inquiry with one or more predefined categories and provides one more possible responses to the inquiry based on the available information; and Paragraph 0022, i.e., after reviewing the User's profile in step 1300 the system searches the available database for categories identified in step 1200; Based on the profile, the system can determine how to treat the User's inquiry" (Covington Paragraph 0020), The User's profile can also be arranged to direct all inquiries from the User to an expert (Paragraph 0021), and after reviewing the user's profile in step 1300 the system searches the available databases for categories identified in step 1200 (Covington Paragraph 0022)).*

As per claim 22, Covington in view of Pundarika and further in view of Robinson and further in view of Petras teaches the limitations:



"further comprising displaying results of the search on a display" (Covington Paragraph 0029, i.e., *Returning to Fig. 1, if after viewing the potential responses to the inquiry, the user is still not satisfied*).

Claim 23 is rejected on the same basis as claim 4.

Claim 25 is rejected on the same basis as claim 7.

Claim 26 is rejected on the same basis as claim 8.

Claim 27 is rejected on the same basis as claim 9.

As per claim 28, Covington in view of Pundarika and further in view of Robinson and further in view of Petras teaches the limitations:

"means for storing a plurality of predetermined categories, wherein the plurality of predetermined categories include taste and style" (Covington Paragraph 0047; Robinson, Column 1 Lines 46-47 and Column 8 Lines 54-63);

"means for categorizing a plurality of pre-existing items corresponding to one or more of the plurality of predetermined categories, by a plurality of categorizers, respectively" (Covington Paragraph 0047);

"means for displaying at least a portion of the stored plurality of predetermined categories" (Covington Paragraph 0047; Pundarika, Figure 5 and Paragraph 0043);

“means for displaying respective categorizers for the displayed predetermined categories” (Pundarika, Paragraph 0043 in view of Covington Paragraph 0047);

“means for selecting a category from the displayed predetermined categories by a user” (Covington Paragraph 0010);

“means for selecting a categorizer from the displayed categorizers by the user” (Covington Paragraph 0008; Covington Paragraph 0021; Covington Paragraph 0030; Pundarika, Paragraph 0043);

“means for initiating a search for one or more of pre-existing items in the computer network based on the selected category and the selected categorizer as search parameters” (Covington Paragraph 0021; Paragraph 0010; Paragraph 0022; Covington Paragraph 0020);

“means for displaying results of the search” (Covington Paragraph 0023);

“means for selecting one or more of the displayed results for more detail description of the selected item” (Covington, Paragraph 0023);

“means for providing incentives to one or more categorizers based on number of users who have selected) an item categorized by one or more categorizers” (Covington Paragraph 0021-0022 in view of Robinson Column 3 Lines 49-55);

“means for sharing the incentives among an early categorizer and a subsequent categorizer whose subsequent categorization is based on the categorization of the early

Art Unit: 2162

categorizer and allocating the incentive between the early categorizer and the subsequent categorizer" (Petras, Paragraph 0281 ).

Claim 29 is essentially the same as claim 2 except that it set forth the claimed invention as a system for identifying content in a computer network rather than a method performed by one or more of computers for identifying content in a computer network and rejected for the same reasons as applied hereinabove.

Claim 31 is essentially the same as claim 4 except that it set forth the claimed invention as a system for identifying content in a computer network rather than a method performed by one or more of computers for identifying content in a computer network and rejected for the same reasons as applied hereinabove.

Claim 32 is essentially the same as claim 5 except that it set forth the claimed invention as a system for identifying content in a computer network rather than a method performed by one or more of computers for identifying content in a computer network and rejected for the same reasons as applied hereinabove.

Claim 33 is essentially the same as claim 6 except that it set forth the claimed invention as a system for identifying content in a computer network rather than a method performed by one or more of computers for identifying content in a computer network and rejected for the same reasons as applied hereinabove.

As per claim 34, Covington in view of Pundarika and further in view of Robinson and further in view of Petras teaches the limitations:

“further comprising assigning points to a categorizer based on number of users who have searched an item categorized by the categorizer” (Robinson Column 3 Lines 49-55, i.e., *Reviewers can be paid similarly for access to reviews written by that reviewer*). Points based on number of users who searched an item categorized by the categorizer/reviewer are inherent in this disclosure.

Claim 35 is essentially the same as claim 8 except that it set forth the claimed invention as a system for identifying content in a computer network rather than a method performed by one or more of computers for identifying content in a computer network and rejected for the same reasons as applied hereinabove.

Claim 36 is essentially the same as claim 9 except that it set forth the claimed invention as a system for identifying content in a computer network rather than a

Art Unit: 2162

method performed by one or more of computers for identifying content in a computer network and rejected for the same reasons as applied hereinabove.

Claim 37 is essentially the same as claim 17 except that it set forth the claimed invention as a system for identifying content in a computer network rather than a method performed by one or more of computers for identifying content in a computer network and rejected for the same reasons as applied hereinabove.

Claim 38 is essentially the same as claim 19 except that it set forth the claimed invention as a system for categorizing an item to be search by a user in a computer network rather than a method for categorizing an item to be searched by a user in a computer network and rejected for the same reasons as applied hereinabove.

Claim 39 is essentially the same as claim 20 except that it set forth the claimed invention as a system for categorizing an item to be searched by a user in a computer network rather than a method for categorizing an item to be searched by a user in a computer network and rejected for the same reasons as applied hereinabove.

Claim 40 is essentially the same as claim 21 except that it set forth the claimed invention as a system for categorizing an item to be searched by a user in a computer network rather than a method for categorizing an item to be searched by a user in a computer network and rejected for the same reasons as applied hereinabove.

2. Covington in view of Pundarika and further in view of Robinson and further in view of Petras and further in view of Pinsonnault et al., (hereinafter "Pinsonnault", U.S. Patent Application Publication Number 2004/0193480).

As per claim 10, Covington in view of Pundarika and further in view of Robinson and further in view of Petras as applied to claim teaches the limitations: "incentives for a given user selection".

However, Covington in view of Pundarika and further in view of Robinson and further in view of Petras does not explicitly teach that "the sum of all incentives for a given user's selection is equal to one".

One the other hand, Pinsonnault teaches a sum of all being rolled up as one (Pinsonnault, paragraph 0095, i.e., *A user may utilize the "roll up" function when applying any of the tools or procedures to a sum of all of the selected partnerships, as if the composite was one total partner*).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method of Covington in view of Pundarika and further in view of Robinson and further in view of Petras to add feature of employing a sum which is equal to one after being all constituents are rolled up, as taught by

Pinsonnault, so that, in the resultant method, the sum of all incentives for a given user's selection will be equal to one. One would have been motivated to do so in order to be able to view variance reports (Pinsonnault, paragraph 0095).

3. Claims 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Covington in view of Pundarika and further in view of Robinson and further in view of Petras and further in view of Edwards et al., (hereinafter "Edwards", U.S. Patent Application Publication Number 2002/0038430).

As per claim 16, Covington in view of Pundarika and further in view of Robinson and further in view of Petras teaches the limitation: "at least one of the plurality of predetermined categories" (Covington, Paragraph 0010, i.e., *Next the system associates the inquiry with one or more predefined categories and provides one more possible responses to the inquiry based on the available information*). Covington does not explicitly teach the limitation: "relates to security or intelligence content".

Edwards teaches the limitation:

"relates to security or intelligence content" (Paragraph 0016, i.e., *The analyst reviews the new intelligence data* ).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to add security of intelligence content as an category to the categories taught by Covington in view of Pundarika and further in view of Robinson and further in view of Petras so that in the resultant method at least one of the plurality

of predetermined categories relates to security or intelligence content. One would have been motivated to do so in order to *monitor security threats* (Edwards Paragraph 0004).

4. Claims 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Covington in view of Pundarika and further in view of Robinson and further in view of Petras and further in view of Gonzales (hereinafter "Gonzales") (U.S. Patent Application Publication Number 2002/0152087).

As per claim 18, Covington in view of Pundarika and further in view of Robinson and further in view of Petras does not explicitly teach the limitation: "wherein the product or the service is one or more of art, craft, wine, cheese, beer, plumbing, air conditioning, auto repair, haircutting, legal service, and medical service".

Gonzales teaches the limitation:

"wherein the product or the service is one or more of art, craft, wine, cheese, beer, plumbing, air conditioning, auto repair, haircutting, legal service, and medical service" (Gonzales, Paragraph 0106).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to add products and services taught by Gonzales to the method of Covington in view of Pundarika and further in view of Robinson and further in view of Petras so that the resultant method would comprise said products and services. One would have been motivated to do so because it is well known in the art that said products and services are offered on Internet with expert reviews.



5. Claims 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Covington in view of Pundarika and further in view of Robinson and further in view of Petras and further in view of Boyd (hereinafter "Boyd") (U.S. Patent Application Publication Number 2002/0194049).

As per claim 24, Covington in view of Pundarika and further in view of Robinson and further in view of Petras does not explicitly teach the limitation: "comprising charging the categorizer a fee for categorizing the item".

Boyd teaches the limitation"

"comprising charging the categorizer a fee for categorizing the item" (Paragraph 0052, i.e. *charging users with a fee for posting to post an invitation and/or review* ).

Note that the method and system of Boyd teaches charging a fee to users for posting something on a service web site just as the claimed invention charges categorizers for posting their categories.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to add the feature of charging a fee for posting on a service web site as taught by Boyd to the method of Covington in view of Pundarika and further in view of Robinson and further in view of Petras so that the resultant would comprise charging the categorizer a fee for categorizing the item. One would have been motivated to do so because charging a fee for posting on a service/product web site is well known in the art.

***Response to Arguments***

10. Applicant's arguments filed on August 2, 2007 have been considered but are moot in view of the new ground(s) of rejection.

Referring to amended claims 1 and 28, applicant argued that *Covington's system's selection of a category based on an inquiry does not disclose "selecting a category" and "initiating a search ..... based on the selected category"* (Applicant's argument, page 12 second paragraph).

Examiner respectfully disagrees all of the allegations as argued. Examiner, in his previous office action, gave detail explanation of claimed limitation and pointed out exact locations in the cited prior art. Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. See MPEP 2111 [R-1] Interpretation of Claims-Broadest Reasonable Interpretation.

During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969).

In response it is pointed out that the limitation "*selecting a category" and "initiating a search ..... based on the selected category"* is rejected over the combination of Covington in view of Pundarika. As such, Pundarika teaches "displaying books reviewed by the same review" and Covington teaches "the stored plurality of predetermined categories categorized by categorizers" (See claim 1 above). As such,

Covington in view of Pundarika teaches "selecting a category from the displayed predetermined categories " and "initiating a search for one or more pre-existing items in the computer network based on the selected category and the selected categorizers as search parameters".

Applicant also argued that *the inquiry (search) in Covington is not "based on the selected categorizer" (even the alleged expert) "as parameter". Rather, in Covington an inquiry is made and then based on the inquiry or the user and the user profile, the inquiry is answered by an expert. Therefore, the expert is not used as a search parameter in Covington. In other words, the inquiry of the Covington's user is made independent of the expert and is not limited or filtered by the choice of the expert as a search parameter* (Applicant's argument, page 13 first paragraph).

In response, it is pointed out that Covington in view of Pundarika teaches the limitation "**selected a categorizer** from the displayed categorizers by the user" (Covington Paragraph 0008, i.e., *a response to the User's inquiry is forwarded by the system to an expert specifically designated by the user*; Covington Paragraph 0021, i.e., *In an embodiment where the expert is associated with the User*; Covington Paragraph 0030, **Such an expert can be a person designated either by the customer or by the service provider**, and Paragraph 0021, i.e., *In addition, the customer can specify that certain User's should be answered only by the Expert*) ; and " initiating a search for one or more pre-existing items in the computer network based on the selected category and the selected categorizer as search parameters" (Covington Paragraph 0021, i.e., *In addition, the customer can specify that certain User's should be answered only by*

*the Expert; Paragraph 0010, i.e., Next the system associates the inquiry with one or more predefined categories and provides one more possible responses to the inquiry based on the available information; and Paragraph 0022, i.e., after reviewing the User's profile in step 1300 the system searches the available database for categories identified in step 1200; Based on the profile, the system can determine how to treat the User's inquiry" (Covington Paragraph 0020), The User's profile can also be arranged to direct all inquires from the User to an expert (Paragraph 0021), and after reviewing the user's profile in step 1300 the system searches the available databases for categories identified in step 1200 (Covington Paragraph 0022).*

Applicant also argued that Assuming that a Reviewer of Robinson can be construed as a claimed "categorizer", this payment method of Robinson is simply a payment to the Reviews for access by a user (not number of users who have selected) to their reviews and not "based on number of users who have selected an item categorized by the one or more categorizers", as required by claim 1 (Applicant's argument page 13 last paragraph).

In response, it is pointed out that Robinson teaches payments to reviewers based on number of users (Robinson, Column 3 Lines 49-55, i.e., *In some embodiments means are provided so the administrators are paid by users for access to their clusters. In various embodiments, **these payments are one-time-only, per time period (such as monthly) or per access.** Reviewers can be paid similarly for access to reviews written by that reviewer. Credit card payment mechanisms or other techniques such as micropayments can be used.* Also see Covington Paragraph 0025, i.e., a log of

*all questions asked by a particular user ..... features **they** have accessed previously can be compiled by the system)* and Covington teaches users who have selected an item categorized by the one or more categorizers (See discussion of claim 1 above under the section of Rejections under 35 U.S.C. § 103).

Applicant argued that *There is no disclosure of sharing incentive among an early categorizer and a subsequent categorizer, particularly, in the specific claimed manner in any of the cited references* (Applicant's argument, page 14 second paragraph).

In response, new ground of rejection(s) is introduced citing the Petras reference. Also note the rejection of all the pending claims under 35 U.S.C. 112 first paragraph for said limitation in question.

Referring to claim 19 and 38, Applicant argued that *none of the above cited references, alone or in combination, teach or suggest the above limitations* (Applicant's argument, page 14 fourth paragraph).

In response to Applicants' argument that none of the cited prior art anticipates claim limitation. Examiner likes to point out that in the "Schering Corp. v. Geneva Pharmaceuticals Inc., 64 USPQ2d 1032 (DC NJ 2002) Decided August 8, 2002."

In the above case it is concluded that the prior art disclosure need not be express in order to anticipate. Even if a prior art inventor does not recognize a function of his or her process, the process can anticipate if that function was inherent. To establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so

recognized by persons of ordinary skill. Inherency is not necessarily coterminous with the knowledge of those of ordinary skill in the art. Artisans of ordinary skill may not recognize the inherent characteristics or functioning of the prior art. However, the discovery of a previously unappreciated property of a prior art composition, or of a scientific explanation for the prior art's functioning, does not render the old composition patentably new to the discoverer. Insufficient prior understanding of the inherent properties of a known composition does not defeat a finding of anticipation.

Applicant also argued that *Applicant respectfully disagrees with the examiner's assertion that Covington teaches the limitation of "displaying cost and incentive for the authorized categorizer"* (Applicant's argument, page 14 fifth paragraph).

In response, it is pointed that said limitation is taught by Covington in view of Robinson, particularly Robinson. Robinson teaches the limitation "displaying cost and incentive for the authorized categorizer for the selected category" (Robinson Column 14 Lines 34-36, i.e., *In one such embodiment, a form (such as a Web input form) is provided which allows an artist to list similar artiest*; Note that, in this disclosure of Robinson, the artiest himself/herself is categorizing. Robinson, Column 14 Lines 59-62, i.e., *artists are given means to indicate that **they wish to pay** a particular to list to, rate and/or write a review of their work. In some embodiments, they can read and review and **decide whether it is to be displayed online**.*; This disclosure of Robinson teaches "cost" to the artist who is categorizing himself and the artist can weigh costs and incentives of putting his song(s) online. The point here is that the artist himself is categorizing his/her song(s) and thus is an authorized categorizer).

Citing amended claims of 7 and 10, Applicant argued that *"wherein in the sum of all incentives for a given user's selection is equal to one"* (Applicant's argument, page 15 first paragraph) and that *"none of the cited references, alone or in combination, teach or suggest the above limitation"* (Applicant's argument, page 15 first paragraph).

In response, it is pointed out that, in response to Applicant's amendments made to claims 7 and 10, new grounds of rejection(s) are introduced citing the Pinsonnault reference.

In view of the above, the examiner contends that all limitations as recited in the claims have been addressed in this Action. For the above reasons, Examiner believed that rejection of the last Office action was proper.

***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.





**Contact Information**

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Myint whose telephone number is (571) 272-5629. The examiner can normally be reached on 8:30AM-5:30PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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